

## REMARKS

### Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

### Claims Status

Claims 12, 14-15 and 17-22 are pending in this Application.

Claim 12 has been amended to clarify that the mechanical coupling means comprising at least two toothed portions directly secured respectively to each of said blades. Support for this amendment can be seen from, for example, Figures 9 and 10.

Claim 12 has been further amended by changing the sequence of the wordings and by including the limitations of Claim 13.

Claim 13 has been canceled.

Claim 14 has been amended to direct its dependency to Claim 12.

Claim 16 has been canceled as being drawn to a non-elected invention.

No new matter has been added.

#### Election

Applicant confirms that the election has been made for Group II, including Figures 6-10. The claims deemed to correspond to Group II are claims 12, 13-15 and 17-22.

#### Oath/Declaration

Applicant has provided a new oath/declaration in compliance with 37 CFR 1.67(a), see attached.

#### Specification

Applicant has submitted a new Abstract to replace the previous filed abstract.

#### Prior Art Rejection

The Examiner has rejected Claims 12, 13-15, 17, and 19-22 as being unpatentable over Van Keppel in view of DiMatteo; and rejected claim 18 as being unpatentable over Van Keppel in view of DiMatteo and Eiichi. Applicant respectfully disagrees in the following points:

1. DiMatteo does not teach the mechanical coupling means comprising at least two toothed portions directly secured respectively to each of said blades.

The Examiner recognized that Van Keppel does not disclose a mechanical coupling means comprising at least two toothed portions secured respectively to each of said blades, and resorted to DiMatteo for such a teaching.

Applicant has amended claim 12 to emphasize that the mechanical coupling means comprising at least two toothed portions directly secured respectively to each of said blades. This feature, however, is not taught or suggested by DiMatteo.

In DiMatteo, the toothed gear portions 34 and 36 are not on the blades 20, 22. In contrast, they are secured on the handle portions 12, 14. The blade parts in DiMatteo have no toothed portion. It is the handle part that has toothed/gear portions, and the handle parts are pivotally connected at the fastener 28, 30 with the blade parts without gears.

By contrast, in claim 12, the drive parts 3, 3' are in one piece with the blades 1, 1' respectively. Therefore the blade in the present invention is an integral part having a drive portion and a blade portion. The two blades are coupled together by the toothed portions, which are secured directly with the blades. It should be emphasized that these toothed

coupling means are provided directly on the blades and couple the two blades without any intermediate parts.

It is clear that, In DIMATTEO, the gear portions 34, 36 are secured to the handles 12, 14, which are separate part from the blades 20, 22. It is therefore submitted that the gear portions of DiMatteo are not secured to the blades as the toothed portions in the present invention.

In the present invention, the fact that the integrated pieces having handle and blade in one piece and are connected by the toothed portions directly secured on each of the integrated pieces, provides a less costly and simpler structure than that in DIMATIEO.

2. Van Keppel and Eiichi do not teach or suggest the mechanical coupling means with two toothed portions either.

Again, Applicant respectfully point out that, in Van Keppel and Eiichi, both handle/blade parts are pivotally connected to each other without a toothed portion as the coupling means.

The toothed coupling means is a important technical feature of the present invention. It provides symmetrical and simultaneous movements of the blades in respect to the orifice.

In the present invention, one of the unique technical effects is to ensure that when the cigar is cut within the orifice 51, 52, the cutting is performed by the two blades simultaneously cut into the cigar from both sides. This simultaneous movement of the two blades is ensured by the toothed coupling means, which are co-operating directly with each other by meshing in such a manner as to enable said blades to move simultaneously and symmetrically with respect to the middle axis.

Van Keppel and Eiichi teach their handle/blade parts pivotally connected to each other without a toothed portion as the coupling means. Without such a toothed coupling means directly provided on the blade parts, there is a risk that the cigar being cut only with one blade, as explained in the specification on page 3, lines 5 to 33.

As discussed in the part 1, DiMatteo does not teach or suggest such a toothed coupling means directly provided on the blade parts either. The combination of the cited references won't make the present invention as in claim 12 obvious. Claims 14, 15 and 17-22 are dependent claims on the Claim 12. With more limitations, these claims are patentable over the cited references.

It is respectfully requested that the Examiner reconsider and withdraw the rejections under 35 USC 103 in view of the above claim amendments and remarks.

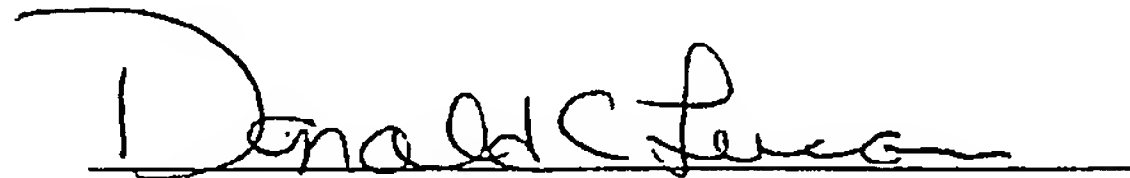
Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:



Donald C. Lucas, 31,275  
Attorney for Applicant(s)  
475 Park Avenue South, 15<sup>th</sup> Floor  
New York, NY 10016  
Tel. # 212-661-8000

DCL/YDC